

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

APPLICANT : Francois Bergelli, et al. EXAMINER : Aditi Dutt
SERIAL NO. : 10/088,257 ART UNIT : 1649
FILED : January 1, 2003 PAPER NO. :
FOR : Method for the Screening of Alpha2Delta-1 Subunit Binding Ligands

Reply to Election/Restrictions Requirement

Mail Stop: Amendment
Commissioner for Patents
P.O. BOX 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Office action mailed June 28, 2006.

A. Restriction

The Examiner alleges that the inventions listed as Groups I-VII in the Office Action do not relate to a single inventive concept under PCT Rule 13.1 and, consequently, requires the Applicant, in accordance with 37 CFR 1.499, to elect a single invention to which the claims must be restricted. On page 3 of the Office Action, seven different groups are listed. Accordingly, Applicant hereby elects Group I, without traverse.

Applicant is further required to elect one sequence for prosecution. Applicant hereby elects SEQ ID NO: 33 but asks the Examiner to also examine SEQ ID NO: 44 in accordance with MPEP § 2434 which provides that a reasonable number of sequences, even if unrelated can be examined in the same application. Accordingly, Applicant respectfully submits that examination of both SEQ ID NOs: 3 and 44 is in accordance with this policy and should be examined together.

B. Election of Species

The Examiner alleges that the application contains more than one species of the generic invention and that the species are deemed to lack unity of invention under PCT Rule 13.1. Consequently, the Examiner requires the Applicant to elect a single species. Applicant elects, without traverse, "flashplate assay" for the assay method. Applicant also elects, without traverse "sequence of 6 histine residues" for peptide epitope tag type, and "gabapentin" for the ligand. The claims readable on these elections are 1, 2, 4-5, 7, and 22.

Applicants respectfully request examination of the application on its merits.

Respectfully submitted,

Dated: _____

7/27/06



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